

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DONALD RAY DOSS,

Plaintiff,

v.

WARDEN, PAM LYCHNER STATE JAIL,

Defendant.

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CIVIL ACTION NO. H-07-2607

ORDER ON DISMISSAL

Plaintiff, a state inmate proceeding *pro se* and impliedly *in forma pauperis*, filed a letter on August 6, 2007, raising various complaints about prison conditions. The Court construed the letter as a complaint filed under section 1983, and ordered plaintiff to file an amended complaint by August 31, 2007 utilizing the standardized form for state inmate section 1983 complaints. Plaintiff was warned that his failure to comply timely with the order may result in the dismissal of this lawsuit without further notice for failure to prosecute.


To-date, plaintiff has failed to file, or request additional time to file, the amended complaint as ordered. Plaintiff's failure to pursue this action and comply with the Court's order forces the Court to conclude that he lacks due diligence. Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution and failure to comply with the Court's order is appropriate. *See* FED. R. CIV. P. 41(b); *Larson v. Scott*, 157 F.3d 1030 (5th Cir. 1998) (noting that a

district court may *sua sponte* dismiss an action for failure to prosecute or to comply with any court order).

Accordingly, this case is DISMISSED WITHOUT PREJUDICE for want of prosecution. Any and all pending motions are DENIED AS MOOT.

The Clerk will provide copies of this order to the parties.

Signed at Houston, Texas on September 17, 2007.



Gray H. Miller
United States District Judge